

THOMPSON, HINE AND FLORY

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February 18, 1987

WRITER'S DIRECT DIAL NUMBER

(216) 566-5717

Ms. Susan Swales
CERCLA Enforcement 5HE-12
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

RECEIVED
FEB 23 1987
U.S. ENVIRONMENTAL PROTECTION AGENCY
CERCLA ENFORCEMENT DIVISION

Re: Fields Brook Superfund Site
Gulf & Western - CERCLA §104(e) Request

Dear Ms. Swales:

As we discussed in our phone conference yesterday, Gulf & Western will provide a formal response to the U.S. EPA's CERCLA §104(e) information request confirming that the documents generated by its former titanium tetrachloride and titanium dioxide facilities in Ashtabula, Ohio are presently in the possession of SCM Corporation. I am enclosing a copy of my most recent demand upon counsel for SCM Corporation to make any responsive document available to Gulf & Western. Gulf & Western will attempt to provide as much historical information as possible but finds that it will be unable to respond to most of your specific inquiries without access to the facility documents.

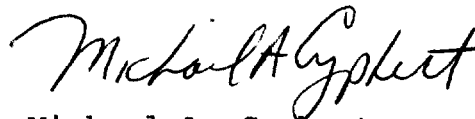
After you have had an opportunity to review our formal response to your request, perhaps, it would be appropriate to discuss further available means to obtain the documents in SCM's possession. I am hopeful that counsel for SCM will agree to release the documents or to represent that SCM's CERCLA §104(e) response accurately represents the information contained within the facilities' documents and, therefore, would be identical to any response that Gulf & Western would prepare after review of the documents.

We regret the difficulties experienced in responding to your request. As I indicated to you, Gulf & Western is one of the three companies negotiating with the U.S. EPA to take responsibility for the pre- and final design work at the Fields Brook site. Gulf & Western is committed to cooperating with the

Ms. Susan Swales
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U.S. EPA to resolve these difficult matters and we trust that SCM will allow us access to the facility documents so that a candid response can be prepared.

Sincerely,

A handwritten signature in cursive script, reading "Michael A. Cyphert".

Michael A. Cyphert

MAC/jmm

Enclosure

cc: Elisa M. Rivlin, Esq.

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VIA MESSENGER

Ronald Janke, Esq.
Jones, Day, Reavis & Pogue
1750 Huntington Bank Building
Cleveland, Ohio 44115

Re: Request for Documents:
Gulf & Western - U.S. EPA
Superfund Action - Fields Brook

Dear Mr. Janke:


As we have discussed many times in the past, Gulf & Western Industries, Inc. (now known as Gulf & Western, Inc.) ("Gulf & Western") requires access to the documents and information generated by its former Ashtabula, Ohio titanium tetrachloride and titanium dioxide plants (the "facilities") purchased by SCM Corporation ("SCM") as of July 15, 1983. Since SCM has been unable to agree upon a Confidentiality Agreement which would permit Gulf & Western to inquire candidly of its former employees and plant manager regarding these facilities, Gulf & Western has been unable to respond to the U.S. EPA's CERCLA §104(e) information request regarding the hazardous substance activities, if any, of these facilities.

Pursuant to Section 13(i) of the Purchase Agreement between Gulf & Western and SCM, dated as of July 15, 1983, this will request that SCM make available to Gulf & Western all documents, books, records, or other information generated by its former facilities which would be responsive to the enclosed CERCLA §104(e) request directed to counsel for Gulf & Western. It is my understanding that SCM has filed a response to a similar CERCLA §104(e) request. If the information provided in SCM's CERCLA §104(e) response regarding the above two facilities would be identical or substantially equivalent to this request for information pursuant to Section 13(i) of the Purchase Agreement, it would be sufficient for SCM to provide the undersigned with a copy of its CERCLA §104(e) response, including any attached documents, and to represent that there are no further documents or information within its possession which are responsive to the U.S. EPA's CERCLA §104(e) request upon Gulf & Western.

Ronald Janke, Esq.
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Your prompt cooperation in providing the documents and information requested by the federal government relating to our former facilities is requested. Please give me a phone call at your earliest opportunity regarding the arrangements for the requested documents and information.

Sincerely,


Michael A. Cyphert

MAC/jmm

cc: Elisa M. Rivlin, Esq.

Michael A. Cyphert, Esq.

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